



November 15, 2006

Daniel Reich  
U.S. EPA Region 9  
Mail Code RC-2-2  
75 Hawthorne Street  
Room 16204  
San Francisco, CA 94105

Subject: Disclosure of Non-Compliance  
Request for Penalty Mitigation

Dear Mr. Reich,

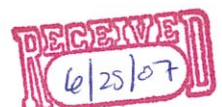
For the last few years, Pechiney Cast Plate [Pechiney] has been undergoing a gradual downsizing including reductions in operating times and department personnel. During this time, environmental personnel were among those who were released. The environmental functions were assigned to the Engineering Department.

During 2005, the downsizing continued resulting in the announcement, during the last quarter of the year, of the facility's closure and pending sale. As would be expected, during this time there was much activity connected with the termination of production, completion of contracts and orders, initiating arrangements for equipment distribution, and the disposal of all hazardous and non-hazardous materials and wastes. Continued reductions in the engineering staff, however, resulted in higher workloads for the remaining engineer. Unfortunately, some environmental functions were overlooked.

With the reassignment of environmental compliance functions to the Engineering Department, Pechiney contracted with Environmental Protection and Compliance [epc] to perform periodic site inspections / audits relating to storm water and hazardous waste compliance. General reporting remained the responsibility of the Engineering Department unless specifically assigned to epc.

With operations terminating in January 2006, the following few months were dedicated to equipment disassembly and relocation; waste collection and disposal; and, the termination of environmental permits. During this time, the ongoing environmental site inspections continued, however, with the focus on assisting with the appropriate disposal of wastes and hazardous materials.

To verify proper closure and administrative compliance regarding environmental permits, epc was requested to perform the final audit of all environmental records and permits. On November 3, 2006, I was informed of the results, indicating that Pechiney had fulfilled all reporting requirements regarding the various environmental permits and obligations with the exception of submitting the Toxic Release Inventory [TRI] for 2005.



Although the facility is now demolished, records are available for review to complete the 2005 TRI. I anticipate submitting the report within the next two weeks. Notwithstanding, since Pechiney Cast Plate is no longer operating, the 2005 TRI will be the last and final TRI submission.

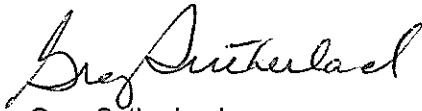
Pursuant to the 'Conditions for Penalty Mitigation' listed in the Policy, the following circumstances are provided for consideration:

- This issue is not a repeated violation. Pechiney has a history of compliance.
- This disclosure is the result of the company's due diligence / environmental program.
- No serious actual harm resulted.
- No imminent or substantial endangerment was presented.
- An administrative or judicial order is not in place.
- There was no economic benefit realized by the company.
- There was no impact on public health.
- There was no impact on the environment.
- The non-compliance is administrative in nature.

Considering the circumstances regarding the inadvertent non-submittal of the 2005 TRI, Pechiney respectfully requests full mitigation of penalties associated with this issue.

If you have any questions or require additional information, please don't hesitate to contact me.

Sincerely,



Greg Sutherland  
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Pechiney Cast Plate  
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